INDEX

A abandonment of property, 77 absolute immunity, 197 abstention, 198 abuse of discretion review, applied, 10	ALJ's, 16, 356-58 Allen charges, 107 allocution, 158 alter ego, 282 alternative grounds, affirming on, 197 amended complaints, 199 amended indictments, 48 amended judgments, 399 amended sentences, 161
defined, 9	Americans with Disabilities Act, 303
acquittals, 104	attorneys fees, 378
ADA, 304	answers, 201
Administrative Law Judges, 16, 356-58	Anti-Injunction Act, 238, 402
Administrative Procedures Act, 18, 330,	antitrust law, 305
328-29, 331, 410, 418, 420	attorneys fees, 378
admiralty law, 302	APA, 18, 329
attorneys fees, 377	appeals,
admission of evidence,	civil, generally, 375
civil, 287-89	certified, 388
criminal, 105	excusable neglect, 396
admitting hearsay,	interlocutory, 239
civil, 291	criminal, generally, 158
criminal, 126	excusable neglect, 161
AEDPA, 188-90, 192, 195	appointments,
affirmative defenses, 199	counsel
affirming on alternative grounds, 197	civil, 201
Age Discrimination in Empl. Act, 328	criminal, 71-75
agency review, generally, 16-18, 410-18	expert witnesses,
arbitrary and capricious, 410-12	civil, 290
constitutional review, 412	criminal, 27
regulatory interpretations, 413	guardian ad litem, 201
sanctions, 414	in forma pauperis status, 235
statutory interpretations, 414	special masters, 268
substantial evidence, 417	Apprendi violations, 159

arbitrary and capricious, generally, 12-14	Title VII, 386
agency review, 410-12	trademark, 380
applied, 13	authentication,
defined, 12	civil, 283
arbitration, 202	criminal, 107
arguments,	
closing,	B
civil, 286	\boldsymbol{D}
criminal, 110	
opening,	bail,
civil, 297	pending appeal, 160
criminal, 143	pending sentence, 160
oral, 254	pending trial, 28
arrest of judgment, 159	Bankruptcy Act, 272, 309, 312
arrests,	bankruptcy law, generally, 306-313
de facto, 81	attorneys fees, 378
false, 315	Batson claims, 107
probable cause, 68-69	bench trials, civil, 283
asylum, 348	Benefits Review Board, 432
attorneys fees, civil, generally, 376-87	best evidence rule,
ADA, 378	civil, 284
admiralty, 377	criminal, 108
antitrust, 378	bifurcation, 204, 284
bankruptcy, 378	bill of particulars, 28
civil rights, 379	Bivens actions, 313
class actions, 379	Board of Immigration Appeals, 342-51
contract provision, 380	bonds, generally, 387-88
copyright, 380	supersedeas, 409
criminal, 160	surety, 409
environmental laws, 381	Bonneville Power Administration, 418
Equal Access to Justice Act, 382	border searches, 77
ERISA, 383	BPA, 418
FOIA, 384	Brady,
IDEA, 384	materials, 34
inherent powers, 384	violations, 29
removal, 385	Bruton violations, 108
Rule 68, 385	burden of proof,
social security, 385	civil, 205
state law, 386	criminal, 109
tax, 386	

\boldsymbol{C}	composition of juries,
C	civil, 294-95
11.1.	criminal, 140
cancellation of removal, 347	conclusions of law,
case management, 205	civil, 196
CERCLA, 332	criminal, 20
certificates of appealability, 192	confessions, 30
certification to state court, 206	confidential informants, 35
certified appeals, 388	conflict-free representation, 71
chain of custody, 109	confrontation clause, 112
challenges for cause, 139	consent decrees, 389
character evidence, 109	consent to search, 78
Chevron deference, 412, 415-16	consolidation,
choice of remedies, 388	civil, 210
choice of laws, 285	criminal, 31
civil rights, generally, 314-17	constitutional law, generally, 317-18
attorneys fees, 379	regulations,
claim preclusion, 206	civil, 211
class actions, 207	criminal, 113
attorneys fees, 379	statutes,
Clean Air Act, 331, 381	agency, 412
Clean Water Act, 331, 381	civil, 211
clear error review,	criminal, 114, 170
applied, 8	constructive amendments, 48
defined, 7	contempt,
clearly erroneous review,	civil, 212
applied, 8	criminal, 115
defined, 7	continuances,
closing arguments,	civil, 213
civil, 286	criminal, 31, 115, 171
criminal, 110	contracts, generally, 318-20
Coast Guard searches, 78	attorneys fees, 380
coconspirator statements, 110	Convention Against Torture, 348
collateral estoppel, 208	Copyright Act, 321-22, 380
collective bargaining agreements, 355	copyright law, generally, 320-23
comments on the evidence, criminal, 112	attorneys fees, 380
competency to stand trial, 29	correcting sentences, 161
complaints, generally, 209-10	costs, 389
amended, 199	
leave to amend, 249	
supplemental, 280	

counsel,	defenses,
civil,	civil, 199
appointment, 201	criminal, generally, 32
disqualifying, 225	entrapment, 120
criminal,	preclusion, 66
conflict-free, 71	deference, generally, 4-5, 13-14
disqualification, 71	agency, 13-14, 17, 332, 342-44,
hybrid, 71	353-58, 362-64, 412-16
ineffective, 72, 129	civil, 203, 207, 239, 251, 258, 269
pro se, 44, 71, 74	286, 298
right to counsel, 74	criminal, 28, 31, 60, 67, 69, 106,
substitution, 75	116, 132, 140, 169-70
waiver, 75	Department of Energy, 419
withdrawal, 76	departures, 171
counterclaims, 214	deportation, 344, 346-47
credibility findings,	depositions, 35
administrative, 349, 357, 364,	directed verdict, 287
418, 425, 430, 435, 440	disciplinary orders, 161
civil, 286	discovery,
criminal, 116	civil, generally, 215-18
cross-examination,	habeas, 192
civil, 286	protective orders, 259
criminal, 117	sanctions, 215-16
	criminal, generally, 32-33
D	bill of particulars, 34
$\boldsymbol{\mathcal{D}}$	Brady materials, 34
11 200 04	confidential informants, 35
damages, generally, 390-94	depositions, 35
liquidated, 392	Jencks Act, 35
punitive, 392	sanctions, 36
remittitur, 393	discriminatory prosecution, 37
Daubert evidence, 290	dismissals,
de novo review,	civil, generally, 218-25
applied, 5	failure to state a claim, 218
defined, 4	Feres doctrine, 219
Declaratory Judgment Act, 323	frivolousness, 221-22
declaratory relief, 214	inherent powers, 223
decrees, consent, 389	involuntary, 240
defamation, 324	judgment on pleadings, 242
default judgments, 394	judicial immunity, 219

dismissals, civil, continued,	disqualification,
	counsel,
lack of prosecution, 223	civil, 225
legislative immunity, 233	criminal, 71
Noer-Pennington, 219	judge,
personal jurisdiction, 220	civil, 225
res judicata, 220	criminal, 152
ripeness, 219	diversity jurisdiction, 226
Rooker-Feldman, 220	documentary evidence,
Rule 12(c), 242	civil, 287-89
Rule 41(b), 240	criminal, 118
sovereign immunity, 219	DOE, 419
standing, 269	double jeopardy, 118
statutes of limitation, 221	duplicitous indictments, 52
subject matter, 219	,
untimely summons, 221	$oldsymbol{C}$
venue, 224	E
voluntary, 282	
with leave to amend, 225	EAJA, 382
without leave, 224	employment discrimination law, 325
criminal, generally, 38-41	Endangered Species Act, 330
constitutional rights, 38	entrapment, 120
disparate sentences, 173	environmental law, generally, 328-33
double jeopardy, 41, 118	attorneys fees, 381
governmental misconduct,	Environmental Protection Agency, 420
40, 41, 52, 80	Equal Access to Justice Act, 382
indictments, 49	Equal Pay Act, 327
lack of jurisdiction, 41	equitable estoppel, 226
lack of prosecution, 58	equitable relief, 395
legal error, 38	equitable tolling, 227
preindictment delay, 66	ERISA, generally, 333-35
prosecutor misconduct,	attorneys fees, 383
40, 53, 149	estoppel,
selective prosecution, 37	collateral, 208
speedy trial, 93	equitable, 226
supervisory powers, 39	judicial,
without prejudice, 39	civil, 243
disparate sentences, 173	criminal, 56

evidence,	evidentiary hearings
agency, generally, 417-18	civil, 227, 269, 288, 408
credibility findings, 418	criminal, 41
substantial, 417	habeas, 192
civil, generally, 287-89	evidentiary rulings,
authentication, 283	civil, generally, 287-89
expert testimony, 289	criminal, generally, 120-23
hearings, 227	ex parte hearing, 42
hearsay, 291	ex post facto, 42
jury verdicts, 17, 295	exclusion (immigration), 346
parol, 297	exclusionary rule, 79
criminal, generally, 120-23	excusable neglect,
admission, 105	civil, 396
authenticity, 107	criminal, 161
chain of custody, 109	exhaustion, 227
character, 109	exigent circumstances, 79
coconspirators, 110	expectation of privacy, 79
comments on, 112	experts,
credibility, 116	civil, 289
documentary, 118	criminal, 27, 123, 143
expert testimony, 123, 143	expungement, 162
extrinsic, 123	extradition, 43
hearings, 41-42, 44, 48, 60,	extrinsic evidence, 124
73, 86-87, 165, 168-69,	
hearsay, 126	$oldsymbol{F}$
impeachment, 128	I'
in-court identification, 129	
jury examination, 133	failure to state a claim, 228
lay opinions, 145	Fair Debt Collection Practices Act, 336
opinion, 143	Fair Labor Standards Act, 336
photographs, 145	False Claims Act, 337
prejudicial harm, 148	false statements, 142
prior crimes, 146	Faretta requests, 44
probative value, 148	Federal Communications Comm., 420
rebuttal, 151	Federal Empl. Liability Act, 338
relevancy, 152	Federal Energy Regulatory Comm., 42
rule of completeness, 153	Federal Labor Relations Authority, 421
sufficiency, 179	
surrebuttal, 151	
vouching, 156	

Fed. Rules of Civil Pro., g	enerally, 290	Fed. Rules of Criminal Pro	o. generally, 125
Rule 8	407	Rule 6(e)	45
Rule 11	231, 264, 405	Rule 11	47
Rule 12(b)(1)	210	Rule 12.1(e)	156
Rule 12(b)(3)	227	Rule 15	35
Rule 12(b)(6)	210, 218,	Rule 16	33, 36, 154
	228, 314, 360	Rule 17(b)	27
Rule 12(c)	221, 242	Rule 17(c)	63
Rule 12(f)	199	Rule 18	98
Rule 14	235	Rule 32	168, 179
Rule 15(a)	249	Rule 35	41, 169
Rule 15(b)	200, 209	Rule 35(c)	161, 171
Rule 15(c)	251	Rule 41(e)	86
Rule 15(d)	200, 210, 280	Rule 46	160
Rule 16	258	Rule 48(a)	39, 50
Rule 24(a)	239	Rule 48(b)	40, 51, 58
Rule 24(b)	240	Rule 52(b)	24
Rule 25(c)	275		
Rule 36(b)	218	Fed. Rules of Evidence, ge	enerally, 106
Rule 38	231	Rule 403	106, 148
Rule 41(a)	223, 282	Rule 404	109
Rule 41(b)	222, 240	Rule 404(b)	105, 146
Rule 42(b)	204, 284	Rule 406	122
Rule 44.1	286, 291	Rule 608(b)	106
Rule 50(a)	296, 398, 404	Rule 609	106, 146
Rule 50(b)	296, 397,	Rule 611(a)	151
	398, 403	Rule 702	106, 288
Rule 51	294	Rule 706(a)	290
Rule 52(a)	8	Rule 901(a)	107
Rule 54(b)	239, 388	Rule 1002	108, 284, 289
Rule 56(c)	276		
Rule 56(f)	214, 216, 278	Federal Tort Claims Act, 3	38
Rule 59(a)	400, 404	Federal Trade Commission	n, 422
Rule 59(e)	399, 402	FERC, 421	
Rule 60(b)	10, 247, 398,	Feres Doctrine, 340	
	402	Fifth Amendment rights, 1	25
Rule 60(b)(4)	395, 410	findings of fact,	
Rule 65(c)	387	agency, 417	
Rule 68	385	civil, 196	
		criminal, 20	

lines,	certificates of appealability, 192
civil, 396	discovery, 192
criminal, 162, 175	evidentiary hearings, 192
FLRA, 356, 421	IIRIRA, 184-85
FLSA, 336	immigration, 351-52
FOIA, generally, 340-41	Interstate Agr. on Detainers, 194
attorneys fees, 384	juror misconduct, 194
foreign law, 290	reconsideration, 194
Foreign Sovereignty Immunities Act,	§ 2241, 184
245, 274, 291	§ 2254, 186
forfeiture,	§ 2255, 185
civil, 163	statutes of limitations, 194
criminal, 162	successive petitions, 195
forum non conveniens, 230	writ ad testificandum, 195
forum selection clauses, 230	writ of coram nobis, 195
Franks hearing, 44	harmless error, 22
Freedom of Information Act, 340-41	Health Care Quality Imp. Act, 378
attorneys fees, 384	hearings,
frivolousness, 231	civil, generally, 227
FTC, 422	criminal,
FTCA, 338	evidentiary, 41
fugitives, 44	ex parte, 42
	Franks, 44
G	in camera, 48
U	pretrial, 67
	Rule 11, 46
governmental misconduct, 40, 41, 52, 80	habeas, generally, 192-93
grand juries, 45	hearsay,
Griffin violations, 126	civil, 291
Guam Organic Act, 371	criminal, 126
guardian ad litem, 201	Homeland Security Act, 422
guilty pleas, generally, 46-47	hybrid representation, criminal, 71
Rule 11, 46	
voluntariness, 46	7
withdrawal, 47	I
H	IDEA, 353, 384
11	attorneys fees, 384
habeas corpus, generally, 184-95	
AEDPA, 188-93, 195	

identifications,	criminal,
in-court, 129	agreements, 47
lineups, 59	from prosecution, 127
out-of-court, 63	use, 42, 47, 68, 128
pretrial, 68	witnesses, 42, 47, 127-28,
IIRIRA, 344-46, 351	157-58
IJ's, 343-44	impeachment evidence, 128
immigration law, generally, 342-52	impleader, 235
asylum, 348	in absentia proceedings, 128
cancellation of removal, 347	in camera proceedings, 48
continuances, 352	in-court identification, 129
Convention Against Torture, 348	in forma pauperis status, 235
credibility findings, 349	in limine orders, criminal, 55
deference owed, 342	Indian Child Welfare Act, 374
deportation, 344, 346-47	Indian Civil Rights Act, 374
discovery, 350	Indian Gaming Regulatory Act, 374
due process violations, 343	Indian Self-Determination and Education
exclusion, 346	Assistance Act, 374
habeas corpus, 351-52	indictments, generally, 48-55
IIRIRA, 344-46, 351	constructive amendments, 48
interpretations of law, 342	delay, 66
reconsideration, 349	dismissals, 49
records, 343	duplicitous, 52
registry, 348	misjoinder, 53
remand, 350	multiplicitous, 52
removal, 346	prosecutorial misconduct, 53
reopening, 350	sufficiency, 54
summary dismissal, 352	validity, 55
suspension of deportation, 347	indispensable parties, 241
voluntary departure, 347	Individuals with Disabilities Ed. Act, 353
Immigration and Nationality Act, 351	attorneys fees, 384
Immigration and Naturalization Service,	ineffective assistance counsel, 72, 129
generally, 422-32	inevitable discovery, 80
immunities,	informants, 35
civil, generally, 232-34	informations, 48
absolute, 197	inherent powers, 235
judicial, 219	attorneys fees, 384
legislative, 233	injunctions, generally, 236-39
qualified, 260	permanent, 401
sovereign, 267	preliminary, 256

INS, 422	renewed as a matter of law, 403
interest, 396	reopening, 400
Interior Board of Land Appeals, 432	vacated, 399
interlocutory appeals, 239	vacatur, 409
interpreters, 55	void, 410
Interstate Agr. on Detainers Act, 194	judicial estoppel,
intervention, 239	civil, 243
investigators, 56	criminal, 56
investigatory stops, 80	judicial immunity, 219
involuntary dismissal, 240	judicial misconduct,
issuance of a search warrant, 81	civil, 261
issue preclusion, 241	criminal, 130
	judicial notice,
I	civil, 243
\boldsymbol{J}	criminal, 56
	juries,
Jencks Act, 35	civil, generally, 292-97
Jewell instruction, 130	bias, 292
JNOV, 397	demand, 247
joinder, 241	misconduct, 194, 292
Jones Act, 303, 359	partiality, 292
judges,	selection, 294
comments, 112	verdicts, 295
disqualification,	voir dire, 281
civil, 225	criminal, generally, 131-42
criminal, 152	challenges for cause, 139
misconduct,	composition, 140
civil, 261	demand, 57
criminal, 130	examining evidence, 133
recusal,	grand, 45
civil, 261	inquiries, 134
criminal, 152	misconduct, 131
supervising trials,	peremptory challenges, 141
civil, 371	selection, 139
criminal, 130	voir dire, 141
judgments, generally, 398-400	waiver, 57
amended, 399	
as a matter of law, 292	
default, 394	
notwithstanding the verdict, 379	
on the pleadings, 242	

jurisdiction,	FLRA, 356
civil, generally, 243-47	Jones Act, 359
bankruptcy, 309-10	Labor Benefits Review Board, 432
declaratory judgment, 323	LHWCA, 356
diversity, 226, 245	LMRDA, 355
equitable, 247	NLRB, 357
pendent, 254	Railway Labor Act, 359
personal, 255	§ 301, 355
primary, 259	Labor Management Relations Act, 355
removal, 261	laches, 248
standing, 245	lack of prosecution
subject matter, 244, 272	civil, 248
supplemental, 246, 280	criminal, 58
tribal, 247	Lanham Act, 323, 381
underlying findings, 246	law of the case,
criminal, generally, 56-57	civil, 248
jury instructions,	criminal, 59
civil, generally, 293-94	lay opinions, 145
supplemental, 371	LBRB, 432
criminal, generally, 135-39	leave to amend, 249
Allen charges, 107	LHWCA, 357
Jewell instruction, 130	lineups, 59
supplemental, 155	liquidated damages, 392
jury verdicts,	LMRDA, 355
civil, 295, 374	local rules, 251
criminal, 155	Longshore and Harbor Workers Act, 433
juveniles, 57	
•	λM
${oldsymbol{ u}}$	IVI
Λ	
	magistrate judges,
knock and announce, 82	civil, 252
	criminal, 59
$oldsymbol{L}$	mandamus, 252
$oldsymbol{L}$	mandates, 400
	materiality of a false statement, 142
Labor Benefits Review Board, 432	Mine Safety & Health Review
labor law, generally, 354-59	Commission, 434
arbitration, 354	Miranda rights, 61
BRB, 432	
collective bargaining, 355	

misconduct,	continuances,
attorneys, 36	civil, 213
governmental, 40, 41, 52, 80	criminal, 31, 171
judges,	correct sentence, 161
civil, 261	costs, 389
criminal, 130	default, 394
jurors,	departures, 171
civil, 292	depositions, 35
criminal, 131	directed verdicts, 287
habeas, 194	discovery,
prosecutors, 149	civil, 215-18
misjoinder, 53	criminal, 32-33
mistrial, 163	habeas, 192
mootness, 253	dismissals,
motions,	civil, generally, 218-25
acquittal, 104	criminal, generally, 38-41
amend judgment, 399	disqualifying counsel,
amend sentence, 161	civil, 225
appointments,	criminal, 71
counsel,	disqualifying judge,
civil, 201	civil, 225
criminal, 74	criminal, 152
experts,	enforce plea agreement, 64
civil, 290	evidentiary hearing,
criminal, 27	civil, 227
guardian ad litem, 201	criminal, 41
arrest of judgment, 159	ex parte hearing, 42
attorneys fees,	extension of time, 159, 375
civil, generally, 376-87	Franks hearing, 44
criminal, 160	grand jury testimony, 45
bail, 28, 160	in camera hearing, 48
bill of particulars, 34	in limine order, 55
Brady, 29	issuance of search warrant, 81
change of venue,	Jencks Act, 35
civil, 281	JNOV, 397
criminal, 98	joinder, 241
compel arbitration, 202	judgment as a matter of law, 292
consolidation,	judgment on the pleadings, 242
civil, 210	judicial notice, 243
criminal, 31	leave to amend, 249

motions, continued,	summary judgment, 275-79
mandamus, 252	summons, 289
	supplement record, 404
mistrial, 163	suppression, 87
modify pretrial order, 258	transfer trial, 98
new trial,	vacate judgment, 399
civil, 400	vacatur, 409
criminal, 164	venue,
pretrial motions,	civil, 281
civil, 258	criminal, 98
criminal, 67	void judgment, 410
pretrial release, 67	waive counsel, 75
protective order, 259	waive jury, 57
quash,	waive presence, 145
civil, 280	withdraw counsel, 76
criminal, 63	withdraw plea, 47
recess, 152	writ of mandamus, 252
reconsideration, 194, 349, 402	multiplicitous indictments, 52
recusal,	
civil, 225	\mathcal{N}
criminal, 70, 152	I V
reduce sentence, 161	
removal, 261	National Environmental Policy Act, 328
renewed judgment as a matter of	National Labor Relations Act, 355, 435
law, 403	National Labor Relations Board, 357, 434
reopen,	National Transp. Safety Board, 436
administrative, 350	negligence, 360
civil, 404	NEPA, 328
criminal, 153	new trials,
return of property, 86	civil, 400
sanctions,	criminal, 164
administrative, 414	NLRB, 357, 434
civil, 264-66	Norris-LaGuardia Act, 238
criminal, 405-07	notice, judicial,
severance,	civil, 243
civil, 267	criminal, 56
criminal, 90	
stays, 271	
strike, 272	
subpoenas, 274	
substitute counsel, 75	
substitute counsel, 75	
substitute parties, 273	

Ω	PLRA, 221, 231
O	preclusion of defense, 66
	preemption, 255
opening statements,	preindictment delay, 66
civil, 297	prejudicial harm, 148
criminal, 143	preliminary injunctions, 256-58
opinion evidence, 143	presence of defendant, 145
oral argument, 254	pretrial conferences, 258
orders,	pretrial detention, 67
civil,	pretrial hearings,
pretrial, 258,	civil, 65
protective, 259	criminal, 67
criminal,	pretrial identifications, 68
disciplinary, 161	pretrial motions,
in limine, 55	civil, 258
OSHRC, 437	criminal, 67
out-of-court identification, 63	pretrial orders, 258
	pretrial release, 67
P	primary jurisdiction, 259
	prior crimes, wrongs or acts, 146
	Prison Litigation Reform Act, 221, 231
Pacific NW Electric Power Planning and	private searches, 83
Conservation Act, 418	privileges, 147
parol evidence, 297	pro se status, 74
parole, 165	probable cause, 68, 83
parole searches, 85	probable cause, 66, 65
pendent jurisdiction, 254	probation, 105 probation searches, 85
peremptory challenges, 141	probation searches, 65 probative value vs. prejudicial harm, 148
permanent injunctions, 401	
personal jurisdiction, 255	property,
photographs, criminal, 145	abandonment, 77
plain error, 24	return, 86
plea agreements, generally, 64-65	prosecution,
breaches, 64	discriminatory, 37
enforcement, 64	selective, 37
interpretation, 65	prosecutorial misconduct, 53, 149
negotiations, 65	PROTECT, 171
waiver, 65	protective orders, 259
pleas, generally, 46-47	protective sweeps, 85
compliance with Rule 11, 46	proximate cause, 298
voluntariness, 46	punitive damages, 392
withdrawing, 47	
\mathcal{U}_{ℓ}	

	civil, 298
	criminal, 71
\mathcal{Q}	relevancy of evidence, 152
	remands,
qualified immunity, 260-61	civil, 262
quashing,	criminal, 32, 156, 160, 166
civil, 280	immigration, 350
criminal, 63	remittitur, 393
	removal from state court, 261
R	attorneys fee, 385
Λ	removal, immigration law, 346
	renewed judgment as matter of law, 403
Railroad Retirement Act, 438	reopening,
Railroad Retirement Board, 438	administrative, 350
Railway Adjustment Board, 438	civil, 404
Railway Labor Act, 359, 438	criminal, 153
reasonable suspicion, 86	representation, generally, 71-76
reasonableness review,	conflict-free, 71
applied, 19	disqualification, 71
defined, 18	hybrid, 71
rebuttal evidence, criminal, 151	ineffective, 72, 129
recess, 152	pro se, 74
reconsideration,	right to, 74
administrative, 349	substitution, 75
civil, 402	waiver, 75
criminal, 87	withdrawal, 76
habeas, 194	res judicata, 262
records,	resentencing, 166
administrative, 343	restitution, 167, 178
reopening, 404	right of confrontation, 112
supplementing, 404	right to counsel, generally, 71-76
recusal,	conflict-free, 71
civil, 261	disqualify, 71
criminal, 152	effective, 72
reducing sentences, 161	hybrid, 71
registry, 348	pro se, 74
regulations,	substitute, 75
constitutionality,	waive, 75
civil, 211	withdraw, 76
criminal, 113	ripeness, 263
interpretation,	Rooker-Feldman Doctrine, 264
agency, 413	rule of completeness, 153

C	wiretaps, 103
S	Securities Exchange Act, 362, 439
	Securities Exchange Commission, 438
sanctions,	securities law, generally, 360-62
administrative, 414	seizures, warrantless, 88
civil, generally, 264-66, 405-07	selective prosecution, 37, 89
contempt, 265	sentencing, generally, 168-79
discovery, 265	amended, 171
failure to appear, 258	application of guidelines, 169
inherent powers, 265	constitutionality, 170
local rules, 264	continuances, 171
refusal to impose, 266	corrected, 171
Rule 11, 264	departures, 171
criminal, generally, 153-54	disparate, 173
contempt, 115	factual findings, 173
discovery, 36	fines, 175
Jencks Act, 36, 154	interpretation of guidelines, 173
sealed materials, 76	legality, 177
search and seizure, generally, 76-89	parole, 165
abandonment of property, 77	probation, 165-66
borders, 77	reduction, 171
Coast Guard, 78	restitution, 178
consent to search, 78	Rule 32, 179
exclusionary rule, 79	Sentencing Guidelines, generally, 168-78
exigent circumstances, 79	application, 169
expectation of privacy, 79	constitutionality, 170
governmental misconduct, 80	departures, 171
inevitable discovery, 80	factual findings, 173
investigatory stops, 80	interpretation, 173
issuance of warrant, 81	legality, 177
knock and announce, 82	service of process, 266
parole, 85	settlements, 407-09
private, 83	severance,
probable cause, 83	civil, 267
probation, 85	criminal, 90
protective sweeps, 85	shackling, 154
reasonable suspicion, 86	Sherman Act, 306
Rule 41(e) motions, 86	side bar conferences, 155
suppression motions, 87	
Terry stops, 88	
warrantless, 88	

warrants, 81, 102

Sixth Amendment, generally, 91-93	substantial evidence,
right of confrontation, 112	agency review, 16, 417
right to counsel, 74	applied, 16
right to cross-examination, 117	defined, 15
social security, generally, 363-65	jury verdicts, 17
attorneys fees, 385	substitution of counsel, 75
Social Security Act, 364, 385, 441	substitution of parties, 275
Social Security Administration, 439-41	successive habeas petitions, 195
sovereign immunity, 267	sufficiency of evidence,
special masters, 268	administrative, 417
Speedy Trial Act, 40, 51, 93-95	civil, 392, 398
speedy trials, 93	criminal, 179
standard of review,	sufficiency of indictment, 54
applied, 1	summary dismissals, 351
defined, 1	summary judgments, 275-79
standing, 269	summons, 280
stare decisis, 270	supersedeas bonds, 409
state courts,	supervised release, 180
certification to, 206	supervising trials, 371
removal from, 261	supplemental complaints, 280
attorneys fees, 385	supplemental jurisdiction, 280
state law, generally, 299-300	supplemental jury instructions,
attorneys fees, 386	civil, 371
interpretation, 299	criminal, 155
statutes,	supplementing records, 404
constitutionality,	suppression, 87, 97
civil, 211	surety bonds, 409
criminal, 114	surrebuttal evidence, 151
interpretations,	suspension of deportation, 347
agency, 414	
civil, 300	T
criminal, 95	1
statutes of limitation,	100 0.5
civil, 270	tariffs, 365
criminal, 97	tax law, generally, 365-68
habeas, 194	attorneys fees, 386
stays, 271	territorial laws, 371
streamlining appeals (from BIA), 343	Terry stops, 88
striking, 272	Title VII, generally, 368-70
structural error, 26	attorneys fees, 386
subject matter jurisdiction, 272	tolling, equitable, 227
subpoenas, 274	trademarks, 320, 380

transcripts, 182 plea agreements, 65 transferring trial, 98 presences, 145 treaties, 372 rights, 100 tribal courts, 373 warrantless searches, 88 warrantless seizures, 88 warrants, 102 UWarsaw Convention, 370 wiretaps, 103 unavailability of witness, 127, 156 withdrawal of counsel, 76 withdrawal of plea, 47 Vwitnesses. civil, 18, 286, 295 criminal, 47, 116, 127, 149, 156 vacated judgments, 399 writ ad testificandum, 183 vacatur, 409 writ of audita querela, 183 validity, indictments, 55 writ of coram nobis, 183 venue, writ of habeas corpus, generally, 184-95 civil, 281 certificates of appealability, 192 criminal, 98 discovery, 192 verdicts, evidentiary hearings, 192 civil, 295, 374 immigration, 351-52 criminal, 155 Interstate Ag. on Detainers, 194 vexatious litigants, 281 juror misconduct, 194 vindictive prosecution, 98 reconsideration, 194 void judgments, 410 § 2241, 184 voir dire, § 2254, 186 civil, 281 § 2255, 185 criminal, 141 statutes of limitations, 194 voluntariness, successive petitions, 195 confession, 99 writ ad testificandum, 195 pleas, 46 writ of coram nobis, 195 waiver of rights, 100 writ of mandamus, 252 voluntary departure, 347 voluntary dismissal, 282 vouching, 156

W

waivers, generally, 100-02 counsel, 75 jury, 57

X, Y, & Z

Younger abstention, 198